

MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 10, 2008 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

Present: Stebbins, Grady, Manning, Russotto
Staff: Murphy, Moulding
Excused: Alternate Mencer, Kravits

Chairman Stebbins stated that with only four board members present the applicant could chose to continue the hearing to the next meeting.

I. PUBLIC HEARINGS

ZBA #08-06 – 0 Winding Hollow Road, Cecil D. Rhodes, Owner/Applicant, for an appeal to the Cease and Desist Order issued May 23, 2007 by the Zoning Enforcement Officer regarding the activities under Sections 6.11, 7.1-10, 8.1-1, 8.1-3 and 8.3. PIN 169913044887. RU-20 Zone

Chairman Stebbins opened the public hearing at 7:00 p.m. Manning read the legal ad for the record. Staff noted that the initial mailings were made to an extensive list of over 385 property owners. Staff had concerns regarding six of the mailings and whether or not they were received, staff suggested that an additional mailing be done to those 6 people and the hearing be continued. Manning stated that as Secretary of the Board he would like to go through the mailings personally to confirm proof of notice requirements as noted in the regulations and will come into the office to do so.

Attorney John Casey, 190 Clift Street, Mystic representing the applicant asked that the hearing be continued to correct the errors in the mailing. The applicant has filed for a special permit, the continuation of which will be heard on October 1, 2008. If the applicant receives his special permit, he will be withdrawing his appeal application. The applicant would also prefer to have 5 voting members present for the hearing.

Staff stated that this project is an outgrowth of a fill permit that has been exceeded. The applicant has made application to the Zoning Commission for a special permit to legitimize the fill. If the public has any comments on the fill application they should be made during the public hearing before the Zoning Commission. The public should only comment to the Zoning Board of Appeals on whether or not they feel the Zoning Enforcement Officer's ruling to require removal of unauthorized fill should be upheld.

The public hearing was continued to October 8, 2008.

II. MEETING FOLLOWING PUBLIC HEARINGS

- 1) Decision on Public Hearing Applications - None
- 2) Correspondence - None
- 3) Minutes

MOTION: To approve the minutes of August 27, 2008 as written.

Motion made by Russotto, seconded by Grady, 4 in favor, 0 opposed.
MOTION PASSED UNANIMOUSLY.

4) Old Business

Russotto went through the documents staff provided at the last meeting regarding 26 Pearl Street and submitted a timeline to staff. Discussion ensued on the history of the site. Staff explained the zoning enforcement process to the Board and will provide them with an update on this property.

5) New Business - None

6) Report of Staff

Staff is working with the State Health Department and Groton Utilities on a Regional Drinking Water Quality Management Plan to protect the reservoirs in Ledyard and Groton and groundwater in Preston. There will be a public meeting on October 15, 2008 here at the annex on this project. Citizenship Day will be celebrated on September 15th and all Board members are invited to attend. The land use regulation update project is continuing and there will be a public meeting on October 29, 2008.

Chairman Stebbins reminded the Board that on September 17th there will be a ceremony commemorating the 100th anniversary of Town Hall.

Staff gave an update on 23 Library Street. The owner has submitted an application for a demolition permit which has not been approved as of yet. There are issues pending regarding the alleged crime which occurred which are presently delaying the approval of the demolition permit. After the demolition is completed the owner will need to go before the HDC and to the Zoning Commission for other approvals regarding the retaining wall and grading on site.

Staff stated that on September 26, 2007 the Board granted a use variance for 110 New London Road for a boarding stable with the condition that they meet all of the regulations in 7.1-14. Staff explained that part of this section requires a special permit; however staff believes that the use variance issued by the ZBA allows for the Planning Commission to become the agency to regulate the use and not the Zoning Commission. There are sufficient controls to implement the ZBA approval.

The Board was mainly concerned that the applicants comply with the dedication of a conservation easement. The consensus of the Board is that they should meet all of the standards of 7.1-14 and the Planning Commission will have control and oversight of the site plan.

The Chairman noted that the commercial sites in downtown have been cleaned up nicely. Staff stated that Barbara Strother has been working on this situation with realtors.

7) Adjournment

Motion to adjourn at 8:35 p.m. made by Grady, seconded by Russotto, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Moulding,
Office Assistant II